

Article - Environment

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§4–105.

(a) (1) (i) In this section, “construction” means land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or otherwise disturbing land for any purpose.

(ii) “Construction” includes land disturbing activities for the purpose of:

1. Constructing buildings;
2. Mining minerals;
3. Developing golf courses; and
4. Constructing roads and installing utilities.

(2) (i) Before any person begins any construction, the appropriate approval authority shall first receive, review, and approve the proposed earth change and the sediment control plan.

(ii) Except as provided in subsection (b) of this section, the approval authority is:

1. The appropriate soil conservation district;
2. A municipal corporation in Montgomery County that is designated by a soil conservation district under paragraph (6) of this subsection;
3. Any municipality not within a soil conservation district;
4. If a State or federal unit undertakes any construction, the Department or the Department’s designee;
5. For abandoned mine reclamation projects conducted by the Department pursuant to Title 15, Subtitles 5, 6, and 11 of this article, the Department; or
6. For large redevelopment sites, the Department.

(iii) Criteria used by the Department or the Department's designee for review and approvals under subparagraph (ii)4 of this paragraph:

1. Shall meet or exceed current Maryland standards and specifications for soil erosion and sediment control; or

2. If alternative standards are applied, shall be reviewed and approved by the Department.

(3) A person may not begin or perform any construction unless the person:

(i) Obtains an approved sediment control plan;

(ii) Implements the measures contained in the approved sediment control plan;

(iii) Conducts the construction as specified in the sequence of construction contained in the approved sediment control plan;

(iv) Maintains the provisions of the approved sediment control plan; and

(v) Implements any sediment control measures reasonably necessary to control sediment runoff.

(4) In consultation with the person responsible for performing the construction, the Department, jurisdictions delegated enforcement authority under § 4-103(e)(2) of this subtitle, or the appropriate approval agency may require modifications to an approved sediment control plan if the approved plan is not adequate to control sediment or erosion.

(5) A person performing construction that proposes a major change to an approved sediment control plan shall submit the proposed change to the appropriate approval authority for review and approval.

(6) A soil conservation district may delegate approval authority under paragraph (2) of this subsection to a municipal corporation in Montgomery County that:

(i) Has its own sediment control review provisions that are at least as stringent as the provisions of the grading and sediment control plan of the soil conservation district;

(ii) Issues sediment control permits; and

(iii) Meets the necessary performance standards established by written agreement between the district and the municipal corporation.

(b) In Montgomery County, notwithstanding the provisions of subsection (c) of this section and § 4–103(a)(1) of this subtitle, the soil conservation district may delegate the authority to review and approve or reject any sediment control plans for nonagricultural construction to the Montgomery County government by written agreement between the district and the county government department authorized by county law or regulation to perform those functions.

(c) In Prince George's and Montgomery counties, the Washington Suburban Sanitary Commission, after consultation with and advice of the soil conservation districts of the two counties and the Department of the Environment, shall prepare and adopt rules and regulations for erosion and sediment control requirements for utility construction work. The rules and regulations shall be adopted and enforced as are others of the Commission under authority conferred by other laws. These rules and regulations apply to any utility construction work in Prince George's and Montgomery counties. The provisions of this subsection do not apply until the soil conservation district in each county approves erosion and sediment control requirements for utility construction work in that county.

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